

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

DAVID FEIGE, On Behalf of Himself and
All Other Persons Similarly Situated,

Plaintiff,

VS.

RCN CORPORATION,

Defendant.

C.A. No. 07-CV-8539 (AKH)

PLAINTIFF’S NOTICE OF MOTION FOR RECONSIDERATION

PLEASE TAKE NOTICE that upon the accompanying memorandum of law, the Affidavit of David Feige submitted therewith, and upon all the pleadings and proceedings heretofore had herein, Plaintiff David Feige, on behalf of himself and all other persons similarly situated, will move this Court, before the Honorable Alvin K. Hellerstein, at the United States District Court, Southern District of New York, 500 Pearl Street, New York, NY 10007, on May 20, 2008, at 11:00 a.m., or as soon thereafter as counsel can be heard, in accordance with Rules 54(b) and 60(b) of the Federal Rules of Civil Procedures and Rule 6.3 of the Local Rules of the United States District Court for the Southern and Eastern Districts of New York, for reconsideration and revision of the Court's Memorandum and Order entered April 3, 2008, dismissing Plaintiff's claims for violation of New York General Business Law, § 349 ("GBL § 349") with prejudice, and the Court's endorsement filed April 11, 2008, dismissing the same claim on alternative grounds with prejudice.

Dated: April 30, 2008
New York, New York

Respectfully submitted,

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/S/

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